

## Haven laws make matters worse for all

*Permitting child abandonment doesn't serve babies, mothers*

Special for The Republic

Sept. 28, 2003 12:00 AM

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**Governor of Hawaii**

SPECIAL FOR THE REPUBLIC

Safe haven or "Baby Moses" laws allow people to anonymously abandon newborn babies without fear of prosecution as long as the child is taken to a safe place, such as a hospital or fire station.

These laws have been enacted in 45 states, including Arizona, because many people believe such laws will save the lives of unwanted babies.

Hawaii would have become the 46th state had it not been for my veto earlier this summer.

My initial thoughts about the concept of providing this kind of haven were mixed but mostly positive. While questioning the need for such a law in my state, I thought to myself: "But if it saves just one life, it will be a good law."

Then I started talking to people on both sides of the issue and reading about the experiences of states that had adopted safe haven laws.

I came to believe that any good that might be accomplished by a safe haven law was likely to be outweighed by the harm that it would cause.

The experience in Texas is instructive. During the first two years after the enactment of that state's safe haven law, nearly 100 babies were abandoned and left to die. Only five were left at safe haven locations.

Proponents of safe haven laws might suggest that these five babies are alive today because of the safe haven law. But it's equally plausible that they would have been placed with adoption agencies or raised by family members if legal abandonment had not been an option.

Perhaps in none of these five cases was there a father who would have been willing to assume responsibility for the child. And maybe there were no extended family members, an aunt, uncle or grandparent, perhaps, who would have willingly or even happily taken in and raised the child as their own. We have no way of ever knowing.

What we do know is that the father and extended family members of a baby dropped off at a safe haven location will find it difficult, perhaps impossible, to find and gain custody of that child. This is true even if they know about the pregnancy and perhaps even if the drop-off location is in their hometown. The typical safe haven law provides anonymity with no requirement that the person prove relationship to the child or custody rights.

Abandoned children have no way of ever finding out the identities of their mother, father or extended families. They also will never know familial medical information or even their own ethnicity.

A comprehensive study by the highly regarded Evan B. Donaldson Adoption Institute found that illegal abandonment is typically done by unwed teenage mothers who are "so distraught or in denial that they act in panic rather than with the thoughtfulness required to take a newborn to a designated site."

A recent *Wall Street Journal* article said that a newborn was abandoned next to a billboard advertising New Jersey's safe haven law.

In Arizona, the body of a newborn girl was discovered last year in a shallow grave where her mother had buried her.

The mother had known about the state's safe baby program but did not choose to use it. According to her lawyer, "She was scared. She panicked."

We need to do a better job of teaching young people not to become pregnant, and, if they do, we need to make sure that counseling and other support services are readily available.

Referral to an adoption agency is an infinitely better choice than abandonment.

With the help of professional counseling, many young people will end up confiding in family members. While some families are hopelessly dysfunctional, in most cases there will be one or more family members who can help the mother deal responsibly with her situation.

Safe haven laws, although well-intended and superficially appealing, actually make matters worse by promoting baby abandonment and doing irreparable harm to the interests of others.

**Linda Lingle is governor of Hawaii. In June, Lingle vetoed a safe haven bill passed by the Hawaii Legislature.**

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